Remarks/Arguments

Claims 1, 3-13 and 18-23 are pending in this application, and are rejected in the non-final Office Action of January 3, 2011. Although no claim amendments are presented herein, a listing of the pending claims of the application accompanies this response for the Examiner's convenience.

Re: Patentability of Claims 1, 3-13 and 18-23 under 35 U.S.C. §103(a)

Claims 1, 3-13 and 18-23 are rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over U.S. Patent No. 5,513,161 issued to Horimai et al. (hereinafter, "Horimai") in view of U.S. Patent No. 4,907,216 issued to Rijnsburger (hereinafter, "Rijnsburger"). Applicants respectfully traverse this rejection for at least the following reasons.

Applicants first note that claim 1 recites:

> "A method for storing data as bit cells in a prerecorded area of an optical recording medium using pits and lands, wherein the pits and lands are placed out of a center of a track of the prerecorded area and the data is encoded by bit cell signal transitions of the pits and lands from one side of the track center to another side of the track center, and the method comprises a step of placing pits and lands, which are arranged in a fixed sequence of pit lengths and land lengths, at positions of all bit cell signal transitions."

As indicated above, claim 1 defines a method for storing data as bit cells in a prerecorded area of an optical recording medium using pits and lands. The pits and lands are placed out of a center of a track of the prerecorded area and the data is encoded by bit cell signal transitions of the pits and lands from one side of the track center to another side of the track center. Moreover, the method comprises a feature of placing pits and lands, which are arranged in a fixed sequence of pit lengths and land lengths, at positions of all bit cell signal transitions. Independent claims 21-23 recite the aforementioned features of claim 1 in a similar manner.

Neither Horimai nor Rijnsburger, whether taken individually or in combination, discloses or suggests each and every feature recited by independent claims 1 and 21-23.

In the outstanding Office Action, the Examiner alleges that the primary reference, Horimai, discloses the claimed feature of "placing pits and lands, which are arranged in a fixed sequence of pit lengths and land lengths", specifically citing FIG. 13 and column 13, lines 1-7 thereof.

In response, Applicants note that the cited portion of Horimai discloses a servo pit format made up of three different patterns. Specifically, as shown in FIG. 13, servo pits 131 are pre-formed at positions A and C for recording track #Ai, servo pits 131 are pre-formed at positions A and B for recording track #Bi and servo pits 131 are pre-formed at positions B and C for recording track #Ci (i=1, 2, 3 ...). These servo pit patterns are repeated at intervals of three tracks, as shown in FIG. 13. As such, Horimai teaches arranging pits and lands in different predefined patterns/sequences based on a position of the recording medium, but clearly fails to disclose or suggest, *inter alia*, "placing pits and lands, which are arranged in a [single] fixed sequence of pit lengths and land lengths, at positions of all bit cell signal transitions", as recited by independent claims 1 and 21-23.

Also in the outstanding Office Action, the Examiner admits that Horimai fails to disclose, *inter alia*, "a method for encoding by transitions of the pits and lands from one side of the track center to another side of the track center and storing data as bit cells in a prerecorded area of an optical recording medium using pits and lands." (see pages 2-3 of the Office Action).

The secondary reference, Rijnsburger, is unable to remedy each of the deficiencies of Horimai. In this regard, Rijnsburger discloses a method of bit cell modulation, wherein data is encoded based on the transitions of a track groove from one side of the track center to the other side of the track center. The transitions are set in a predefined manner with a predefined length. However, Rijnsburger fails to disclose

or suggest, *inter alia*, "placing pits and lands, which are arranged in a fixed sequence of pit lengths and land lengths, at positions of all bit cell signal transitions", as recited by independent claims 1 and 21-23. Accordingly, even if the teachings of Horimai and Rijnsburger are combined, as proposed, the resulting combination still does not disclose or suggest each and every feature of independent claims 1 and 21-23.

Moreover, Rijnsburger teaches to displace the track groove itself, not the pits and lands. The pits and lands always remain on the center of the track. As can be seen from at least FIG. 3B of Rijnsburger, the arrangement of the pits and lands relative to the bit cell signal transitions is completely irrelevant. Therefore, there is no motivation at all to arrange the three predefined patterns/sequences taught by Horimai in any special relation to the bit cell signal transitions, as the transitions in Rijnsburger are determined from the displacement of the track groove, not from a displacement of the pits and lands.

Accordingly, for at least the foregoing reasons, Applicants submit that claims 1, 3-13 and 18-23 are patentable over the proposed combination of Horimai and Rijnsburger under 35 U.S.C. §103(a), and withdrawal of the rejection is respectfully requested.

Conclusion

For at least the foregoing reasons, it is believed that all of the pending claims have been addressed. However, the absence of a reply to a specific rejection, issue or comment does not signify agreement with or concession of that rejection, issue or comment. In addition, because the arguments made above may not be exhaustive, there may be reasons for patentability of any or all pending claims (or other claims) that have not been expressed. Finally, nothing in this paper should be construed as an intention to concede any issue with regard to any claim, except as specifically stated in this paper.

In view of the foregoing remarks/arguments, the Applicants believe this application stands in condition for allowance. Accordingly, reconsideration and

allowance are respectfully solicited. If, however, the Examiner is of the opinion that such action cannot be taken, the Examiner is invited to contact the Applicants' attorney at (609) 734-6813, so that a mutually convenient date and time for a telephonic interview may be scheduled. No fee is believed due from this response. However, if a fee is due, please charge the fee to Deposit Account No. 07-0832.

Respectfully submitted,

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